

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LITASCO SA,

Plaintiff,

- against -

SALBATRING INTERNATIONAL D.O.O.,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10-08-09

1:09-cv-08084-RJH

**EX PARTE ORDER FOR  
PROCESS OF MARITIME  
ATTACHMENT AND  
GARNISHMENT**

WHEREAS on September 22, 2009, plaintiff Litasco SA filed a Verified Complaint herein for damages amounting to \$1,126,858.00 inclusive of interests, costs, and attorneys' and arbitrators' fees, and praying for the issuance of an *ex parte* order for Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure; and

WHEREAS the attorney for plaintiff has filed a supporting affidavit describing the efforts made by and on behalf of plaintiff to find and serve defendant within the district; and

WHEREAS the Court has reviewed the Verified Complaint and the supporting affidavit, and the conditions set forth in Supplemental Rule B appear to exist; and

WHEREAS the Process of Maritime Attachment and Garnishment would command the United States Marshal or other designated process server to attach any and all of the defendant's property within the Southern District of New York; it is hereby

ORDERED that Process of Maritime Attachment and Garnishment shall issue against all tangible and intangible property up to the amount of \$1,126,858.00 belonging to, claimed by, or being held for the defendant by any garnishees within this District, pursuant to Supplemental Rule B; and it is further

ORDERED that any person claiming an interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to an adversary hearing within three court days, subject to this Court's modification; and it is further

ORDERED that supplemental process enforcing this Court's order may be issued by the Clerk upon application within 30 days without further order of the Court; and it is further

ORDERED that associates, paralegals, or other agents of DeOrchis, & Partners, LLP who are over 18 years of age and not parties to this action, are each appointed to serve the Writ and Order of Attachment and Garnishment, Summons, Verified Complaint, and Affidavit in Support on the garnishees herein; and it is further

ORDERED that following initial service upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be accomplished by email, facsimile transmission, or other verifiable electronic means, provided that such supplemental service accords with the garnishee's written rules or policies regarding service, if any. Such supplemental service shall be deemed to be made within this District if a natural person within the District caused the service to be transmitted to a garnishee having an office within the District; and it is further

ORDERED that service on any garnishee as described above is deemed effective for the length of time and to the extent that the garnishee's written rules or policies so provide; and it is further

ORDERED that a copy of this Order be attached to and served with the Process of Maritime Attachment and Garnishment; and it is further

ORDERED that if any of defendant's property is attached, plaintiff shall give prompt notice to defendant of the attachment. Such notice shall be in writing, and may be given outside of the District by telex, telegram, cable, fax, or other verifiable electronic means; and it is further

ORDERED that this Order shall automatically expire 90 days from the date of its issuance if no assets or other property has been restrained pursuant to this Order, or plaintiff has failed to show good cause for an extension of time. With respect to any assets or other property attached during that period, this Order shall remain in effect and such assets or other property shall be held in the hands of the garnishee(s) subject to an agreement of the parties or further order of this Court. This Order may be extended for up to an additional 90 days upon a showing of good cause by plaintiff, provided that where at least some property has been attached within the first 90 days, such extension shall be freely given. Such application for an extension may be made by letter application. Further 90-day extensions may be granted in the discretion of the Court, but only upon a showing by plaintiff of extraordinary circumstances; and it is further,

ORDERED, that in the event property is attached pursuant to this Order, such attachment shall automatically expire 90 days thereafter unless plaintiff advises the Court by Electronic Case Filing status report within that time of the particulars of such

attachment and either confirms that it has commenced proceedings or arbitration on the merits of the claims underlying the attachment or shows good cause why it has not done so; and it is further,

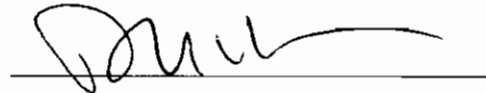
ORDERED, that upon expiration or vacatur of this Order by reason of the two preceding paragraphs, this Action may be dismissed without prejudice, without costs, and without further notice to any party. The plaintiff is directed to submit a letter to the Court informing it of the automatic expiration of the Order.

SO ORDERED.

Dated: New York, New York

~~September~~ \_\_, 2009

Oct 7

A handwritten signature in black ink, appearing to read 'Holwell', is written over a horizontal line.

Richard J. Holwell  
United States District Judge